

**IN UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF PENNSYLVANIA
Harrisburg Division**

MARIE ELAINE BURNS,

Plaintiff,

v.

LEXISNEXIS RISK SOLUTIONS
BUREAU, LLC, and X, Y, Z
CORPORATIONS,

Defendants.

Case No. _____

**DEFENDANTS' NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §§ 1331, 1441, and 1446**

TO THE CLERK OF THE COURT OF THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant LexisNexis Risk Solutions Bureau, LLC ("LexisNexis") respectfully submits this Notice of Removal of this action from the Pennsylvania Court of Common Pleas, Dauphin County, to the United States District Court for the Middle District of Pennsylvania.

PROCEDURAL HISTORY AND TIMELINESS OF REMOVAL

1. On April 25, 2016, plaintiff Marie Burns (“Plaintiff”) filed a praecipe for a writ of summons in the Court of Common Pleas, Dauphin County, captioned *Marie Elaine Burns v. LexisNexis Risk Solutions Bureau, LLC and X, Y, Z Corporations*, Case No. 2016-CV-3190CV.

2. The Prothonotary of the Court of Common Pleas issued a writ of summons on April 28, 2016. (*See* Ex. A.)

3. LexisNexis has not to date been served with the writ of summons. (*See* Ex. B, which is a document that reflects the documents filed to date when searching the Dauphin County Court of Common Pleas public access website, <https://onbase.dauphincounty.org/publicaccess/>.)

4. LexisNexis has not to date been served with any complaint nor has a complaint been filed. (*Id.*)

5. This removal notice is timely because LexisNexis has not yet been served with any “initial pleading” for purposes of 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. § 1446(a), copies of all state court pleadings, processes, and orders available from the Court of Common Pleas website docket are attached as Exhibit A.

BASIS FOR REMOVAL JURISDICTION

7. Removal is proper because this Court has federal question jurisdiction over Plaintiff's claim.

8. Neither the praecipe nor the writ of summons contain any factual allegations, nor do they state any monetary amount that Plaintiff seeks to recover.

9. The civil covert sheet, however, states that the "nature of the case" arises under 15 U.S.C. § 1681, *et seq.* (the Fair Credit Reporting Act). (*See Ex. A.*)

10. Under 28 U.S.C. § 1331, the district courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

11. Under 28 U.S.C. § 1441(a), any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed to the district court.

12. The Fair Credit Reporting Act is a law of the United States.

13. This Court therefore has original jurisdiction over Plaintiff's claims under the Fair Credit Reporting Act and this action is removable.

NOTICE TO ADVERSE PARTIES AND STATE COURT

14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Prothonotary of the Court of Common Pleas, Dauphin County, and served on Plaintiff's counsel.

Accordingly, LexisNexis respectfully submits that this action is removed properly pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Dated: July 5, 2016

**HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER**

/s/ Sharon F. McKee

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*Attorneys for LexisNexis Risk Solutions
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CERTIFICATE OF SERVICE

I certify that on this 5th day of July 2016, I electronically filed the foregoing Notice of Removal to the United States District Court for the Middle District of Pennsylvania using the CM/ECF system, and served upon counsel of record below, via U.S. Mail, postage prepaid, addressed as follows:

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/s/Sharon F. McKee
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